

IN RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE - W/S of Middle River Road, 60.7's of Cloverdale Road (513 Middle River Road) 15th Election District 5th Councilmanic District

BEFORE ME: DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY

Case No. 92-108-XA

Joseph F. Palmisano, Jr. Petitioner

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Exception and a Petition for Zoning Variance filed by the legal owner of the subject property, Joseph F. Palmisano, Jr., by and through his attorney, F. Vernon Booser, Esquire. The Petitioner requests approval of the use of the subject property for a used motor vehicle outdoor sales area and variances from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.1 to permit a front yard setback of 13 feet in lieu of the minimum required 42 feet; from Section 238.2 to permit side yard setbacks of 0 feet and 11 feet in lieu of the required 30 feet for each; from Section 102.2 to permit a distance between buildings of 3 feet in lieu of the required 60 feet; from Section 238.4 to permit a car display setback of 0 feet in lieu of the required 27 feet; from Section 409.4.A to permit a driveway width of 10.5 feet in lieu of the required 20 feet; and from Section 238.4 to permit a storage area setback of 0 feet in lieu of the required 30 feet, all as more particularly described on Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Joseph Palmisano, Jr. and Herbert Malmud, Registered Land Surveyor. Appearing as a Protestant in the matter was Preston R. Snedegar, adjoining property owner.

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Testimony indicated that the subject property, known as 518 Middle River Road, consists of 0.29 acres zoned B.R. and is improved with a two-story frame dwelling and one-story concrete building which are currently vacant. The Petitioner is desirous of establishing a used car sales operation on the subject property. Testimony indicated that the Petitioner originally intended to use the existing dwelling for his sales offices thereby necessitating the requested variances. However, after the hearing the Petitioner deemed it in his best interests to remove the dwelling which would allow him to provide more space for the motor vehicle sales area and eliminate the need for many of the requested variances. As a result of this modification, some of the variances requested for the existing dwelling are no longer necessary and shall be dismissed as moot. Specifically, the side yard setback of 11 feet in lieu of the required 30 feet and the distance between buildings of 3 feet in lieu of the required 60 feet are no longer necessary as a result of the proposed dwelling removal. The Petitioner also requested a car display setback of 0 feet in lieu of the minimum required 27 feet which is no longer necessary as the car display area can now be situated where the dwelling used to exist. Also, the Petitioner originally requested a driveway width of 10.5 feet in lieu of the required 20 feet due to the fact that the existing dwelling prohibited the driveway from being any wider.

The variances now needed are for the existing one-story concrete building which is proposed for use as the sales office. Specifically, a side yard setback of 0 feet in lieu of the required 30 feet is necessary. A storage area setback of 0 feet in lieu of the required 30 feet for the proposed automobile storage area in the rear of the subject property is also necessary. A front yard setback of 20 feet in lieu of the originally

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requested 12 feet is being requested for the existing concrete building. The Petitioner testified that the relief requested meets the special exception requirements of Section 502.1 of the B.C.Z.R. and that the remaining variances needed will not result in any detriment to the health, safety or general welfare of the surrounding uses. Testimony indicated that the proposed improvements would be beneficial to the community and provide a useful purpose for this currently vacant property.

Appearing and testifying in opposition to the Petitioner's request was Preston Snedegar. Mr. Snedegar had no objections to the use of the property as a used car sales lot. Many of the concerns he expressed at the hearing have now been eliminated by virtue of the dwelling being removed from the site. However, Mr. Snedegar voiced concern as to customers patronizing the used car business and trespassing onto his property located immediately adjacent to the subject site. Mr. Snedegar owns the adjoining property which is the site of the Middle River Garage as indicated on Petitioner's Exhibit 1. Testimony indicated that there is no barrier on the common boundary line between the two properties. Therefore, it would be possible for customers of the proposed used car lot to trespass onto Mr. Snedegar's property. In order to prevent this, the Petitioner shall be required to erect a fence along this common boundary line to prohibit customers of the proposed used car sales facility from trespassing onto Mr. Snedegar's property.

It is clear that the B.C.Z.R. permits the use proposed in a B.R. zone by special exception. It is equally clear that the proposed use would not be detrimental to the primary uses in the vicinity. Therefore, it must be determined if the conditions as delineated in Section 502.1 are satisfied.

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The Petitioner had the burden of adducing testimony and evidence which would show that the proposed use met the prescribed standards and requirements set forth in Section 502.1 of the B.C.Z.R. The Petitioner has shown that the proposed use would be conducted without real detriment to the neighborhood and would not adversely affect the public interest. The facts and circumstances do not show that the proposed use at the particular location described by Petitioner's Exhibit 1 would have any adverse impact above and beyond that inherently associated with such a special exception use, irrespective of its location within the zone. Schultz v. Prille, 432 A.2d 1319 (1981).

The proposed use will not be detrimental to the health, safety, or general welfare of the locality, nor tend to create congestion in roads, streets, or alleys therein, nor be inconsistent with the purposes of the property's zoning classification, nor in any other way be inconsistent with the spirit and intent of the B.C.Z.R.

After reviewing all of the testimony and evidence presented, it appears that the special exception should be granted with certain restrictions as more fully described below.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and

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- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

In the opinion of this Deputy Zoning Commissioner, the elimination of the two-story frame dwelling from this site allows this property to be better utilized as a motor vehicle sales area. It also eliminates many of the requested variances. Inasmuch as the Petitioner is razing the existing dwelling, the four parking spaces marked as "Display Parking for Used Cars" on Petitioner's Exhibit 1 shall be relocated. Said "display spaces" shall be situated no less than 27 feet from the front property line of the subject property and no variance shall be granted for same.

It is clear from the testimony that if the variances requested, as modified herein, are granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

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Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested in the special exception and variances, as modified herein, should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 13th day of October, 1992 that the Petition for Special Exception to approve the use of the subject property as a used motor vehicle outdoor sales area, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the Baltimore County Zoning Regulations (B.C.Z.R.) as follows: From Section 238.1 to permit a front yard setback of 20 feet in lieu of the minimum required 42 feet for the existing one-story concrete building; from Section 238.2 to permit a side yard setback of 0 feet in lieu of the required 30 feet; and from Section 238.4 to permit a storage area setback of 0 feet in lieu of the required 30 feet for the proposed automobile storage area in the rear of the subject property, in accordance with the revised site plan to be submitted, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioner may apply for his razing/building permits and be granted same upon receipt of this Order; however, the Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded and the Petitioner would be required to file a new Petition.
- 2) Within thirty (30) days of the date of the Order, the Petitioner shall submit a revised site plan incorporating the modified relief granted herein. Said plan shall be submitted to this Office for review and approval prior to the issuance of any use permits.
- 3) The Petitioner shall cause to be constructed the appropriate fencing on the southern property line of

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the subject site, said property line being the common boundary line between the Petitioner's property and the Snedegar property identified as the Middle River Garage on Petitioner's Exhibit 1.

- 4) The entire lot shall be paved with a durable and dustless surface, said paving to be completed prior to the issuance of any use permits.
- 5) The hours of operation for the used motor vehicle outdoor sales business shall be limited to 9:00 AM to 5:00 PM, Monday through Friday, and 8:00 AM to 12:00 PM on Saturdays. There shall be no Sunday hours.
- 6) There shall be no storage of damaged or disabled vehicles on the property whatsoever. All vehicles stored on the property must be in operable condition. Petitioner shall not store any vehicles on the property which are older than ten (10) model years.
- 7) Petitioner shall not display any flags, banners or streamers on any poles, light standards, buildings or other fixtures on the property.
- 8) Petitioner shall be limited to the storage of twenty (20) automobiles at any given time. The display of the permitted 20 automobiles shall be located within the car storage and display areas as shown on the revised site plan to be submitted.
- 9) All lighting on the premises shall be directed away from any adjoining residential properties so as to avoid any glare from spilling over onto adjacent properties.
- 10) Upon request and reasonable notice, Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order in the event it becomes necessary to do so as a result of a complaint.

- 11) When applying for any permits, the site plan and/or landscaping plan filed must reference this case, and set forth and address the restrictions of this Order.
- 12) Each restriction listed above is an integral part of the granting of this special exception and variance. They are to be read together as a whole and are not to be considered separately. In the event the Petitioner takes an appeal of any of these restrictions, it shall be deemed to be an appeal of this entire Order and this entire matter shall be heard on appeal de novo.

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IT IS FURTHER ORDERED that the Petition for Zoning Variance requesting relief from the B.C.Z.R. as follows: from Section 238.1 to permit a front yard setback of 13 feet in lieu of the minimum required 42 feet for the existing dwelling; from Section 238.2 to permit side yard setbacks of 0 feet and 11 feet in lieu of the required 30 feet for each for the existing two-story dwelling; from Section 102.2 to permit a distance between the existing two-story dwelling and one-story concrete building of 3 feet in lieu of the required 60 feet; from Section 238.4 to permit a car display setback of 0 feet in lieu of the required 27 feet; and from Section 409.4.A to permit a driveway width of 10.5 feet in lieu of the required 20 feet, in accordance with Petitioner's Exhibit 1, be and is hereby DISMISSED as moot.

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TWK:bjs

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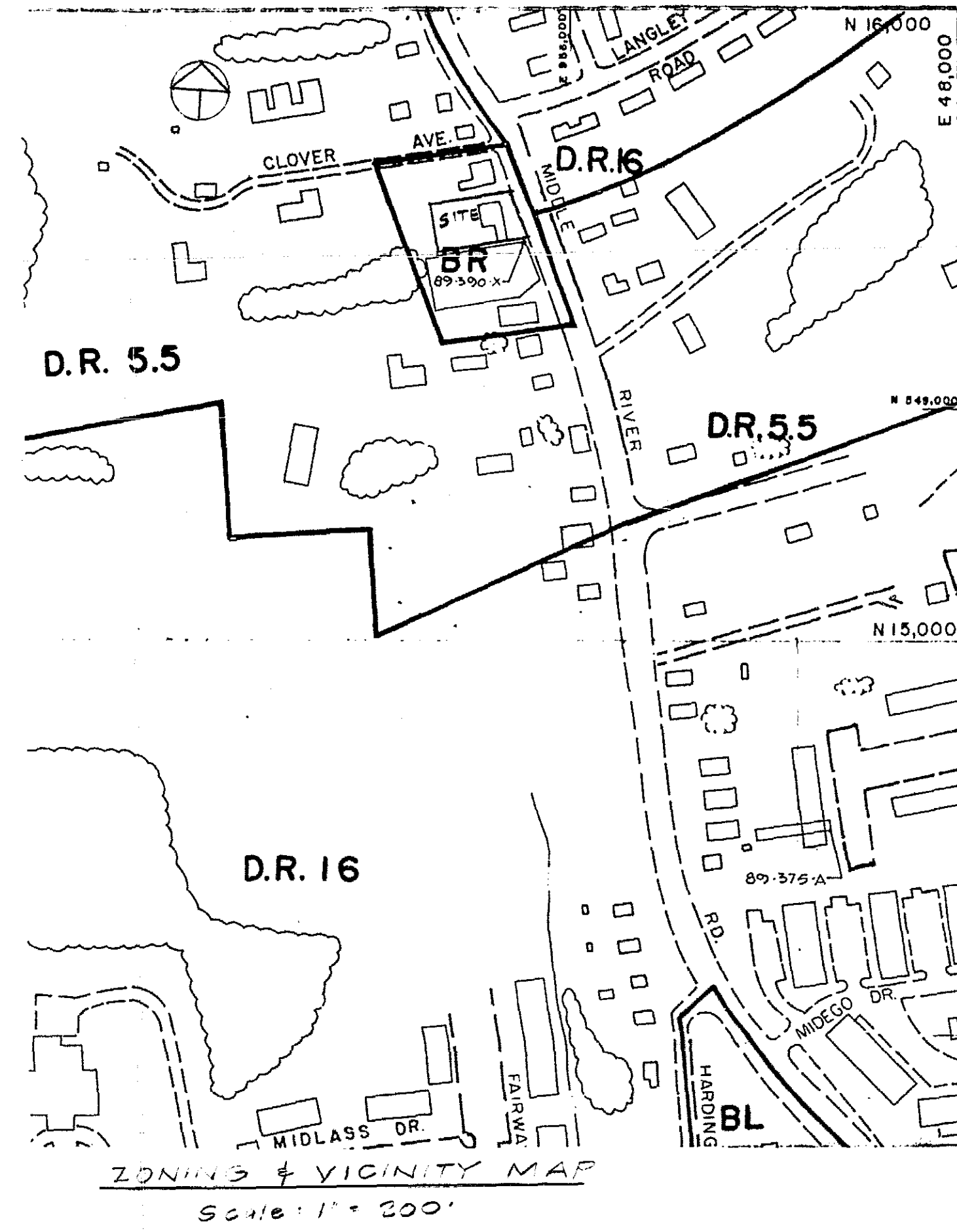
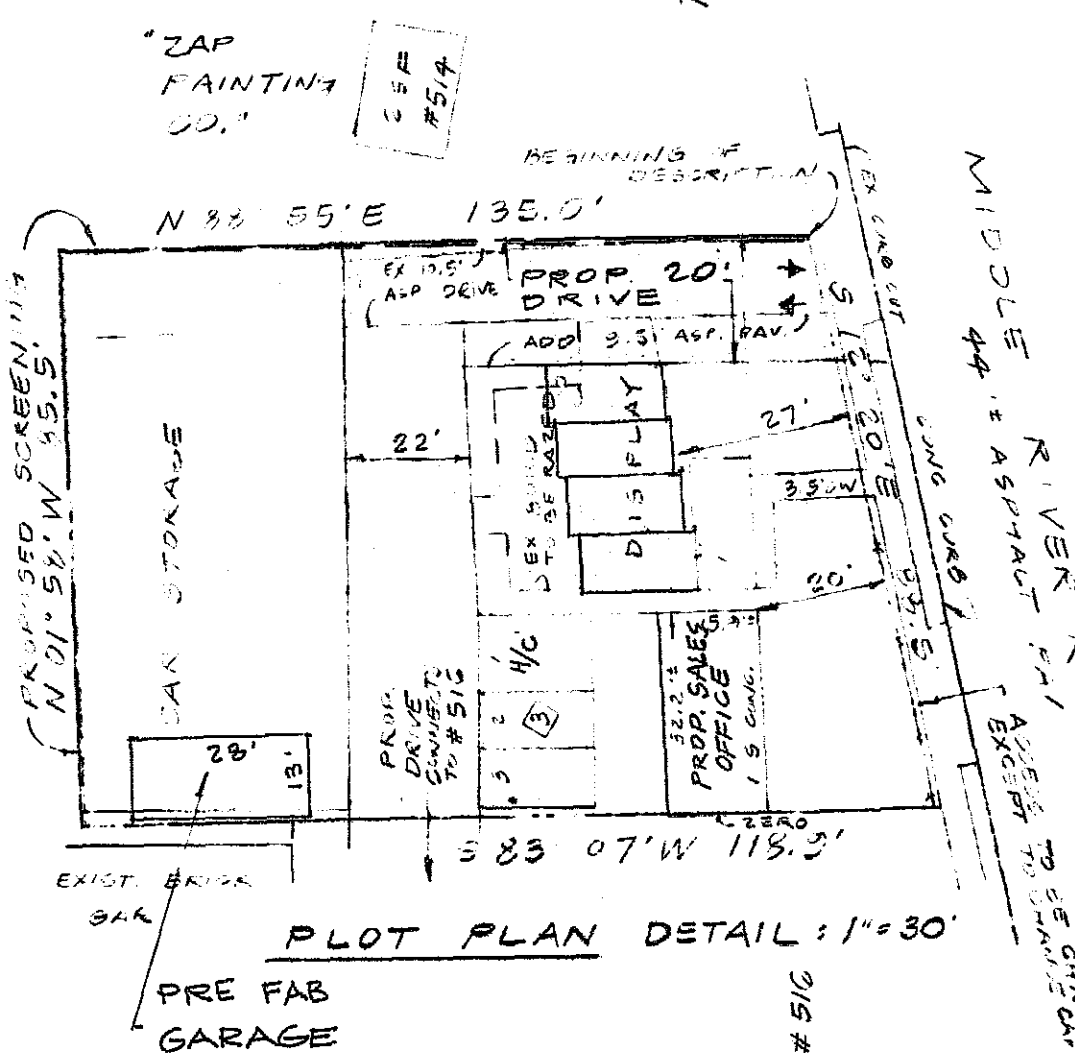
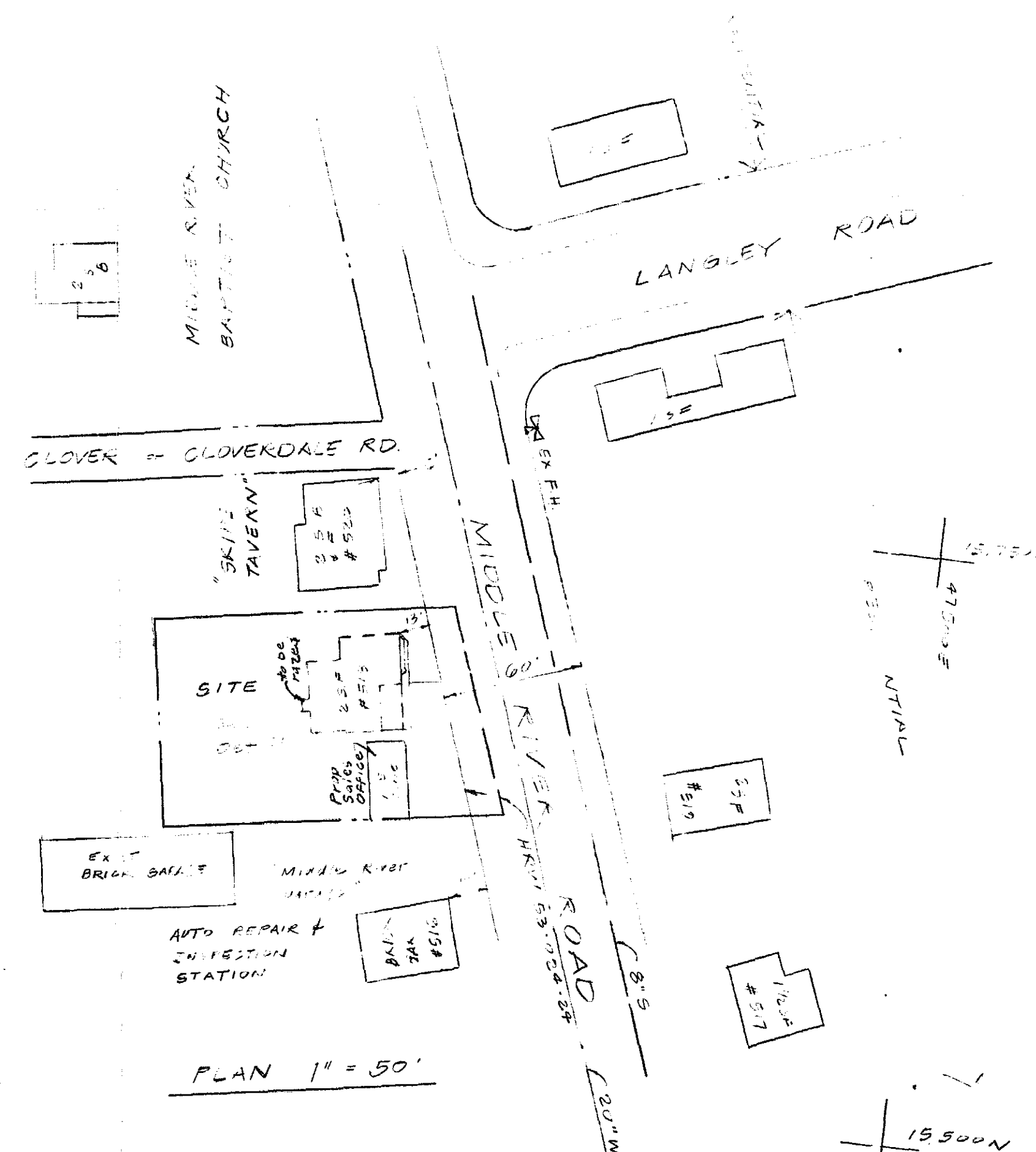
- NOTES
- PETITIONER: JODY PALRISANO
DEED REFERENCE: LIBER 1905, FOLIO 481
TAX ACCT. # 15-12-000050
 - EXISTING ZONING: DR
 - EXISTING USE: VACANT STORE
 - PROPOSED USE: USED CAR SALES
 - EXISTING BUILDING TO BE USED AS SALES OFFICE
FLOOR AREA: 5,120 S.F. + 200 S.F. * 2 SPACES REQUIRED;
TOTAL SPACES REQUIRED: 3; TOTAL SPACES PROVIDED: 3.
TYPICAL SPACE SIZE: 9.0 x 18 FEET.
 - NO DAMAGED OR DISABLED VEHICLES WILL BE STORED ON THE PROPERTY.
 - HOURS OF OPERATION: MONDAY-FRIDAY 9AM-5PM; SATURDAY 9AM-12NOON.
 - PROPOSED PARKING AND DRIVE TO BE DUST FREE PAVING SURFACE.
 - TOTAL AREA OF PROPERTY: 0.23 OF AN ACRE, +/-
 - PUBLIC WATER AND SEWER SERVES THIS SITE.

PROPERTY OUTLINE SHOWN HEREON IS FROM AVAILABLE DATA
AND NOT FROM A PROPERTY LINE SURVEY.

THE PROPERTY SHOWN HEREON IS SUBJECT TO ANY AND ALL
AGREEMENTS, EASEMENTS, RIGHTS OF WAY AND/OR
COVENANTS OF RECORD AND LAW.

ZONING NOTES

- EXISTING USE: VACANT BUSINESS PROPOSED USE: USED CAR SALES.
- SPECIAL EXCEPTION REQUESTED FOR USED CAR SALES.
- VARIANCE REQUESTED FOR:
 - FRONT SETBACK OF 80 FEET IN LIEU REQUIRED 42 FEET AND
SIDE SETBACK OF 9 FEET IN LIEU OF 30 FEET
 - ZERO FOOT SETBACK FOR STORAGE/YARD AREA
IN LIEU OF REQUIRED 30 FEET.



PLAT TO ACCOMPANY ZONING PETITION FOR SPECIAL EXCEPTION & VARIANCE.

518 MIDDLE RIVER ROAD
Election District No. 15
Councilman's District No. 6
Baltimore County, Maryland

Scale: As Shown.

December 1, 1991

Revised: Sept 2, 1992

EX 258 to be raised, 1/5 inch to be

SALES OFFICE, 1/5 inch to be

prepared by: 1/5 inch to be

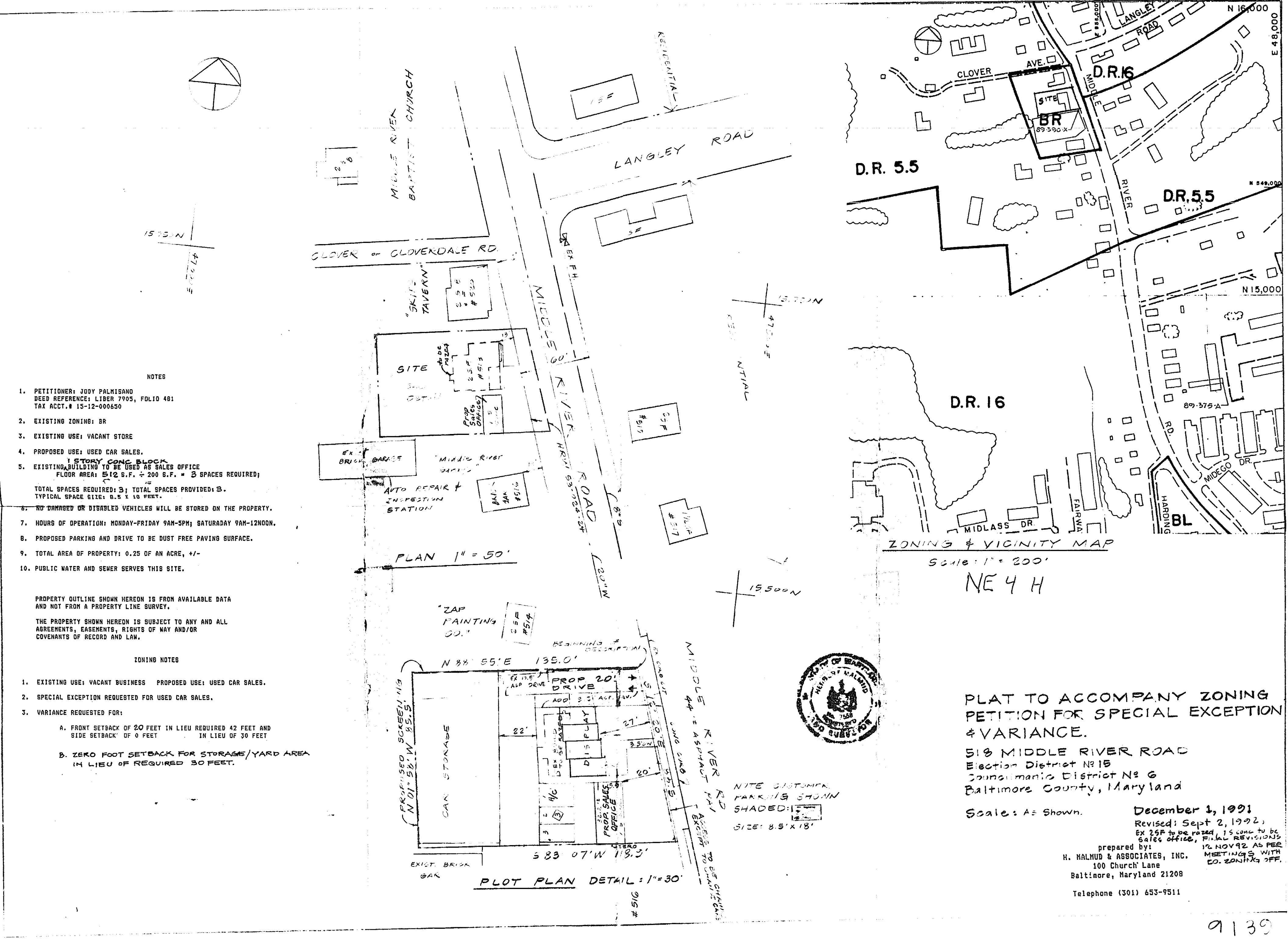
H. MALMUD & ASSOCIATES, INC. 1/5 inch to be

100 Church Lane, Baltimore, Maryland 21208

Telephone (301) 653-9511

18 FEB 92 RED LINE

9130



Petition for Special Exception

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property for SALES AREA

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
(Type or Print Name)
Address
City and State
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Attorney's Telephone No.:
Address
City and State



ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE 3/20/92



Petition for Variance

to the Zoning Commissioner of Baltimore County

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 238.1, 238.2, 238.4, 102.2 and 409.4.A.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reasons: (Indicate hardship or practical difficulty)
to be determined and hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
(Type or Print Name)
Signature
(Type or Print Name)
Signature

Attorney for Petitioner:
(Type or Print Name)
Address
City and State
Signature
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
City and State
Attorney's Telephone No.:
Address
City and State

ESTIMATED LENGTH OF HEARING - 1/2HR.
AVAILABLE FOR HEARING
MON./TUES./WED. - NEXT TWO MONTHS
ALL OTHER DATE 3/20/92

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (301) 653-9511
DESCRIPTION FOR ZONING
518 MIDDLE RIVER ROAD
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the west side of Middle River Road, 60 feet wide at a point distant 60.7 feet northwesterly from the north side of Cloverdale Road, 20 wide, thence binding on Middle River Road:

- (1) North 12 20 West 88.5 feet; thence leaving said road and running the three (3) following courses and distances.
- (2) South 85 07' West 118.9 feet;
- (3) South 01 58' East 85.5 feet;
- (4) North 88 55' East 135.0 feet to the place of beginning.

containing 0.25 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud
Registered Land Surveyor
Maryland No 7558

August 21, 1991

FILE: Mid Rv Rd Zon DESC 22



THIS DEED

Made this 4th day of September, 1991, by and between UNITED STATES MARSHAL SERVICE pursuant to an Order of Forfeiture in Civil Case H-88-3328 in The United States District Court for the District of Maryland, party of the first part and JOSEPH F. PALMISANO, JR., party of the second part, his personal representatives and assigns.

WITNESSETH, that in consideration of the sum of \$47,900.00 and other good and valuable considerations, the receipt of which is hereby acknowledged, the said party of the first part does grant and convey unto the party of the second part, his personal representatives and assigns, in fee simple, all that piece or parcel of ground situate, lying and being in the Fifteenth Election District of Baltimore County, State of Maryland, and described as follows, that is to say:

BEGINNING FOR THE SAME on the southwest side of Middle River Road at the beginning of the fourth line of that parcel of land which by deed dated June 1, 1921 and recorded among the Land Records of Baltimore County in Liber WPC No. 541, folio 100 was conveyed by Louis H. Bartels and wife to Frank R. Lambert and wife, thence running with and binding on part of said fourth line along the southwest side of Middle River Road North 12 degrees 20 minutes West 89 feet more or less, to the end of the third line of that parcel of land which by deed dated October 14, 1946 and recorded among the Land Records aforesaid in Liber RJS No. 1512, folio 208 was conveyed by Frank R. Lambert and wife to Charles J. Novak; thence leaving Middle River Road and binding reversely on said third line South 88 degrees 07 minutes West 131.52 feet more or less to intersect the fourth line of that parcel of land which by deed dated January 2, 1953 and recorded among the Land Records aforesaid in Liber GLB No. 2338, folio 554 was conveyed by Frank R. Lambert, widower, to Austin D. Hanna and wife; thence binding reversely on part of said fourth line 89.20 feet more or less to the beginning of said fourth line and to intersect the third line in deed Bartels to Lambert above referred to, and thence running with and binding on part of said third line North 58 degrees 55 minutes East 147 feet more or less to the place of beginning. The improvements thereon being known as No. 518 Middle River Road.

SUBJECT TO the widening of Middle River Road as shown on Baltimore County Bureau of Land Acquisition Drawing 55-024-24 attached to a deed in Liber 4683, folio 4.

BEING the same property which by Deed dated June 29, 1988 and recorded among the Land Records of Baltimore County in Liber No. 7905 folio 481 was granted and conveyed by James C. Comer and Mary V. Comer, his wife, to Bernard A. Kaufman, Carmela V. Kaufman and Thomas L. Kaufman.

BEING also the same property conveyed to United States Marshal Service pursuant to an Order of Forfeiture in Civil Case H-88-3328 in The United States District Court for the District of Maryland.

TOGETHER with the buildings and improvements thereupon erected, made or being; and all and every, the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging or in anywise appertaining. And the said party of the first part covenants that it will warrant specially the property hereby conveyed; and that they will execute such further assurances of said land as may be requisite.

Witness the hand and seal.

TEST:

UNITED STATES MARSHAL SERVICE
BY: X 1991 9 15 MARSHAL (SEAL)

TO: Timothy M. Kotroco
Subject: Case No. 92-108-XA

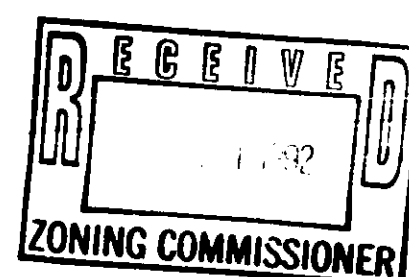
I must commend your professional manner and insight into the decisions made on the above case. I can agree with you on all your decisions except one. I don't believe that a fence should be required of Mr. Palmisano because the changes that Mr. Palmisano made would all but eliminate any of my parking concerns.

Mr. Palmisano and I had very frank and open conversation upon the conclusion of the hearing. This was the first chance that we had to talk freely by ourselves. Mr. Palmisano indicated that he would reevaluate his zoning plans with a genuine concern for the issues I detailed. I must thank Mr. Palmisano for the integrity he brought to this zoning issue.

I consider this issue satisfactorily closed therefore no appeal will be considered. I wish to make the same comment that I made to Mr. Palmisano. "If you raise one of the buildings thereby open up the lot for both parking and access I would be willing to give positive testimony should an appeal be required".

Sincerely Yours,
Preston R. Snedegar
Preston R. Snedegar

cc F. Vernon Boozer



PETITIONER'S EXHIBIT B4

JAMES A. MILLER
SKIP'S TAVERN
520 MIDDLE RIVER RD.
BALTIMORE, MD. 21220
JUNE 3, 1992

TO WHOM IT MAY CONCERN

I am writing to say that I have no objection to Mr. Jody Palmisano being permitted to use the property located at 518 Middle River Road as a used car sales facility.

I am pleased that the property will be occupied and maintained.

Sincerely,
James A. Miller
OWNER, SKIP'S TAVERN



PETITIONER'S EXHIBIT 5

TO:
LAWRENCE C. SCHMIDT
ZONING COMMISSIONER

I RICK BENSON LEASE 516 MIDDLE RIVER RD. AT THIS ADDRESS, I OWN AND OPERATE MIDDLE RIVER GARAGE. WE CURRENTLY HAVE AN AUTOMOBILE REPAIR GARAGE AND ALSO HAVE PLANS TO OPEN A USED CAR LOT. WE HAVE HAD A HEARING AND HAVE RECEIVED A SPECIAL EXCEPTION FOR THIS. 518 MIDDLE RIVER RD. HAS BEEN VACANT FOR SOME TIME NOW AND WE WOULD LIKE TO SEE THIS PROPERTY USED FOR SOME PURPOSE. WE WOULD NOT OBJECT TO YOU GRANTING MR. PALMISANO THE SPECIAL EXCEPTION FOR A USED CAR SALES FACILITY. IF YOU HAVE ANY QUESTIONS DON'T HESITATE TO GIVE ME A CALL.

THANK YOU,

Rich Benson

RICK BENSON 686-4303

Middle River Garage
516 Middle River Road
Baltimore, MD 21220

Owner: Rick Benson
686-4303
686-4304

24 Hour Towing
All Types Auto Repair
State Inspection Station



PLEASE PRINT CLEARLY

PROTESTANT(S) SIGN-IN SHEET

NAME	ADDRESS
Preston P. Snedegar	4928 RIDGE RD BALTO. MD 21233

PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME	ADDRESS
TODD F. PALMISANO JR	510 5th Ave Towson, Md
HERBERT MALMUD	100 CHURCH LA 21208

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 113, Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 13, 1992

F. Vernon Boozer, Esquire
614 Bosley Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND ZONING VARIANCE
W/S Middle River Road, 60.7' S of Cloverdale Road
(518 Middle River Road)
15th Election District - 5th Councilmanic District
Joseph F. Palmisano, Jr. - Petitioner
Case No. 92-108-XA

Dear Mr. Boozer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Zoning Variance, as modified, have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Timothy M. Kotroco
TIMOTHY M. KOTROCO
Deputy Zoning Commissioner
for Baltimore County

TMK:bjs

cc: Mr. Preston P. Snedegar
4928 Ridge Road, Baltimore, Md. 21237

People's Counsel

File

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (410) 653-9511

September 2, 1992

Mr. Tim Kotroco
Deputy Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, Maryland 21204

Re: 518 Middle River Road
Case No. 92-108-XA

Dear Mr. Kotroco:

As per the agreement with Mr. Joseph F. Palmisano, Jr. the "Plat To Accompany Zoning Petition for Special Exception and Variance" for 518 Middle River Road has been amended to show that the existing 2 story frame building will be razed and the 1 story concrete block building will be used as a sales office.

Please call me if you have any questions.

Very truly yours,

Herbert Malmud
Herbert Malmud

enclosure: 2 amended plans

cc: Mr. Joseph F. Palmisano, Jr.

File: Middle Riv Zon D25

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed amendments to the Zoning Ordinance of Baltimore County, as follows:
Case Number: 92-108-XA
W/S Middle River Road, 60.7' S of Cloverdale Road
518 Middle River Road
15th Election District
15th Councilmanic District
Legal Owner(s):
Scott A. Sewell, U.S. Marshal
Contract Purchaser(s):
Joseph F. Palmisano, Jr.
Hearing Date: Wednesday, July 1, 1992 at 9:15 a.m.
Special Exception: A used motor vehicle outdoor sales area. Variance to permit a 15 foot front setback in lieu of 40 feet; zero lot and 11 foot side yard setbacks in lieu of 30 feet; 5 foot between buildings in lieu of 40 feet; a zero foot rear display setback in lieu of 27 feet; a 10.5 foot driveway width in lieu of 30 feet; and a zero foot storage area setback in lieu of 30 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NET/JS/114 March 12

CERTIFICATE OF PUBLICATION

TOWSON, MD., March 12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992.

THE JEFFERSONIAN,

S. Zehe O'Brien

Publisher

\$89.08

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the proposed amendments to the Zoning Ordinance of Baltimore County, as follows:
Case Number: 92-108-XA
W/S Middle River Road, 60.7' S of Cloverdale Road
518 Middle River Road
15th Election District
15th Councilmanic District
Legal Owner(s):
Scott A. Sewell, U.S. Marshal
Contract Purchaser(s):
Joseph F. Palmisano, Jr.
Hearing Date: Wednesday, April 1, 1992 at 9:15 a.m.
Special Exception: A used motor vehicle outdoor sales area. Variance to permit a 15 foot front setback in lieu of 40 feet; zero lot and 11 foot side yard setbacks in lieu of 30 feet; 5 foot between buildings in lieu of 40 feet; a zero foot rear display setback in lieu of 27 feet; a 10.5 foot driveway width in lieu of 30 feet; and a zero foot storage area setback in lieu of 30 feet.
LAWRENCE E. SCHMIDT
Zoning Commissioner of Baltimore County
NET/JS/114 March 12

CERTIFICATE OF PUBLICATION

March 12, 1992

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on March 12, 1992.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zehe O'Brien

Publisher

\$89.08

COVAHEY & BOOZER, P.A.

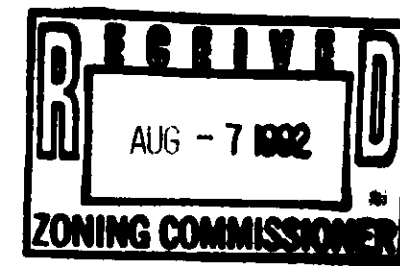
ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 301
828-9441

EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEYAN
ANTHONY J. D'PAULA
THOMAS P. DORE

FAX 301/823-7530

ANNEX OFFICE
SUITE 101
606 BALTIMORE AVE.
TOWSON, MD. 21204

August 3, 1992



Mr. Tim Kotroco
Deputy Zoning Commissioner
OFFICE OF PLANNING AND ZONING
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No.: 92-108-XA
W/S Middle River Road, 60.7' of Cloverdale Road
518 Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palmisano, Jr.
D/Hearing: 06/08/92

Dear Mr. Kotroco:

Since our hearing of June 8, 1992, my client has decided to remove the two-story wood frame building which fronts at 518 Middle River Road. He will then use the one-story concrete building for his business operation.

We would agree to any decision conditioned upon removal of the building. Thank you for your consideration in this matter.

Very truly yours,

F. Vernon Boozer
F. VERNON BOOZER

FVB/mdr

cc: Mr. Joseph F. Palmisano, Jr.

03'mr.09



Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

March 16, 1992

NOTICE OF POSTPONEMENT

CASE NUMBER: 92-108-XA
PETITIONER(S): Joseph F. Palmisano, Jr.
LOCATION: 518 Middle River Road

THE ABOVE MATTER, PREVIOUSLY ASSIGNED TO HEARD ON WEDNESDAY, APRIL 1, 1992, HAS BEEN POSTPONED AT THE REQUEST OF F. VERNON BOOZER, ATTORNEY FOR PETITIONERS.

NOTIFICATION OF THE NEW HEARING DATE WILL BE FORWARDED SHORTLY.

Carl Jahn

Arnold Jablon
Director

cc: Joseph F. Palmisano, Jr.
Preston Shedgear

COVAHEY & BOOZER, P.A.

ATTORNEYS AT LAW
614 BOSLEY AVENUE
TOWSON, MARYLAND 21204
AREA CODE 410
828 9441
FAX 410 823 7530
ANNEX OFFICE
SUITE 101
608 BALTIMORE AVE
TOWSON, MD 21204
EDWARD C. COVAHEY, JR.
F. VERNON BOOZER
MARK S. DEVAN
ANTHONY J. D'PAULA
THOMAS P. DORE
* ALSO ADMITTED TO D.C. BAR
March 11, 1992

Clerk
Baltimore County Office of
Zoning Administration
111 West Chesapeake Avenue
Towson, Maryland 21204

RE: Case No: 92 108 XA
518 Middle River Road
Contract Purchaser: Joseph F. Palmisano, Jr.
Hearing Date: 4/1/92 at 9:15 a.m.

Dear Sir/Madam:

Please be advised that I have been retained to represent Joseph F. Palmisano, Jr. in the above-captioned matter. Please treat this letter as a request for postponement of the hearing presently scheduled for April 1, 1992 at 9:15 a.m. in that I am a member of the Maryland State Senate which is in session from January 8, 1992 through April, 1992 and I am, therefore, unable to represent Mr. Palmisano on that date. Please reschedule this matter for after May 1, 1992.

Thank you for your cooperation and assistance in this matter.

Should you have any questions, or need any additional information, please do not hesitate to call.

Very truly yours,

F. Vernon Boozer

FVB:11'mk.02

UNOFFICIAL POSTPONEMENTS
Confirmation to follow

Case Number: 92-108-XA, Palmisano - Set for 4/1/92
Per 3/9/92 telephone conversation with Mary of Vernon Boozer's office, Mr. Boozer will enter his appearance and request postponement of 4/1/92 date.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

DATE: 3/30/92

Joseph F. Palmisano, Jr.
510 Park Avenue
Towson, Maryland 21204

RE:
CASE NUMBER: 92-108-XA
4/8 Middle River Road, 50.7' S of Cloverdale Road
518 Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palmisano, Jr.

Dear Petitioner(s):

Please be advised that \$ 139.69 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to prevent delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Carl Jahn

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Michael Glaziel, Esq.

Office of Zoning Administration
and Development Management
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204
(410) 887-3353

MARCH 5, 1992

NOTICE OF HEARING

CASE NUMBER: 92-108-XA
4/8 Middle River Road, 50.7' S of Cloverdale Road
518 Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palmisano, Jr.
HEARING: WEDNESDAY, APRIL 1, 1992 at 9:15 a.m.

Special Exception: A used motor vehicle outdoor sales area.
Variance: to permit a 13 foot front setback in lieu of 42 feet; zero feet and 11 feet side yard setbacks in lieu of 30 feet; 3 feet between buildings in lieu of 60 feet; a zero foot car display setback in lieu of 27 feet; a 10.5 foot driveway width in lieu of 20 feet; and a zero foot storage area setback in lieu of 30 feet.

Lawrence E. Schmidt
Lawrence E. Schmidt

Zoning Commissioner of
Baltimore County

cc: Joseph F. Palmisano, Jr.
Michael Glaziel, Esq.
Scott A. Sewell, U.S. Marshal
Preston Shedgear

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208
TELEPHONE (410) 653-9511

DESCRIPTION FOR ZONING
518 MIDDLE RIVER ROAD
BALTIMORE COUNTY, MARYLAND

Beginning for the same on the west side of Middle River Road, 60 feet wide at a point distant 60.7 feet southerly from the north side of Clover or Cloverdale Road, 20 wide, thence binding on Middle River Road:

- (1) South 12 20 East 88.5 feet; thence leaving said road and running the three (3) following courses and distances.
- (2) South 83 07' West 118.9 feet;
- (3) North 01 58' West 85.5 feet;
- (4) North 88 55' East 135.0 feet to the place of beginning.

containing 0.25 of an acre, more or less.

THIS DESCRIPTION IS FOR ZONING PURPOSES ONLY AND NOT FOR THE CONVEYANCE OF TITLE

Herbert Malmud
Registered Land Surveyor
Maryland No 7558

January 23, 1992



FILE: Mid Rv Rd Zon DESC 22

*Protestant is
Exhibits 1A-15
Case 92-108-XA*

*Revised 2/20/92
92-108-XA
#117*



2688-72
LAW OFFICES
GISRIEL & GISRIEL
SUITE 400
210 E. LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514
TELEPHONE (301) 535-0513
FAX (301) 428-3859
October 21, 1991

Arnold Jablon
Director
Office of Zoning Administration
111 W. Chesapeake Avenue
1st Floor
Towson, MD 21204

RE: Postponement Request
Item No. 117, Case #92-108-X
Petitioner: Scott A. Sewell, et al
518 Middle River Road
Petition for Special Exception

Dear Arnold:

As attorney for the petitioner in the above captioned matter which is currently scheduled for Friday, October 25, 1991, at 2:30 p.m., I am requesting a postponement in this matter for two or three weeks so that the Site Plan can be corrected as outlined in John Sullivan's memo. The petitioner would be willing to pay for additional costs for advertising and posting. I am unaware of any protestants in this matter.

Please notify me of the new date and time of the re-scheduled hearing at your earliest convenience. I will obtain the corrected Site Plan and deliver same to John Sullivan.

Thank you for your courtesy in this matter. I remain...

Very truly yours,

Michael Gisriel
Michael Gisriel

MG/mc

OCT 23 1991
ZONING OFFICE

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: October 9, 1991

TO: Mr. Arnold Jablon, Director
Office of Zoning Administration
and Development Management

FROM: Rahee J. Famill
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: September 10, 1991

There are no comments for item numbers 81, 102, 103, 104, 109, 110, 111, 112 and 115.

Rahee J. Famill
Rahee J. Famill
Traffic Engineer II

RJF/lvd

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

COPY

DATE: 10-8-91

Joseph F. Palamiano, Jr.
510 Park Avenue
Towson, Maryland 21204

RE:
CASE NUMBER: 92-108-X
4/8 Middle River Road, 60.77' S of Cloverdale Road
518 Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palamiano, Jr.
HEARING: FRIDAY, OCTOBER 25, 1991 at 2:30 p.m.

Dear Petitioner(s):

Please be advised that \$ 25.76 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please forward your check via return mail to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 115, Towson, Maryland 21204. It should have your case number noted thereon and be made payable to Baltimore County, Maryland. In order to pre-empt delay of the issuance of proper credit and/or your order, immediate attention to this matter is suggested.

Lawrence E. Schmalz
Lawrence E. Schmalz

ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: Michael Gisriel, Esq.

Baltimore County Government
Office of Zoning Administration
and Development Management
Office of Planning & Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3553

COPY

10/12/91

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

CASE NUMBER: 92-108-X
W/S Middle River Road, 60.77' S of Cloverdale Road
518 Middle River Road
15th Election District - 5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palamiano, Jr.
HEARING: FRIDAY, OCTOBER 25, 1991 at 2:30 p.m.

Special Exception for used car sales, i.e. outdoor sales area (operated from sales-agency building) with accessory car storage.

J. Robert Hines

Zoning Commissioner of
Baltimore County

cc: Joseph F. Palamiano, Jr.
Michael Gisriel, Esq.
Scott A. Sewell, U.S. Marshal

LAW OFFICES
GISRIEL & GISRIEL
SUITE 400
210 E. LEXINGTON STREET
BALTIMORE, MARYLAND 21202-3514
TELEPHONE (301) 535-0513
FAX (301) 428-3859

FAX COVER SHEET

WE ARE TRANSMITTING THE FOLLOWING DOCUMENT FROM AN
ADLER-ROYAL FAX 910 FROM
(301) 625-3859

TO: ARNOLD JABLON
FIRM: ZONING ADMINISTRATION AND DEVELOPMENT MANAGEMENT
DATE: OCT 23 1991
FAX #: 296-0931
RE: 518 MIDDLE RIVER ROAD
FROM: MICHAEL GISRIEL
NUMBER OF PAGES SENT (INCLUDING COVER LETTER): 2

IF YOU DO NOT RECEIVE ALL OF THE PAGES, PLEASE CALL
(301) 535-0513.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/26/91.

NORTHEAST TIMES BOOSTER and the
NORTHEAST TIMES REPORTER

S. Zate Olson
Publisher

\$70.76

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 115, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-108-X
4/8 Middle River Road, 60.77' S of Cloverdale Road
518 Middle River Road
15th Election District
5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palamiano, Jr.
Hearing Date: Friday, Oct. 25, 1991 at 2:30 p.m.
Special Exception: for used car sales, i.e. outdoor sales area (operated from sales-agency building) with accessory car storage.
Zoning Commissioner of Baltimore County
September 25, 1991

CERTIFICATE OF PUBLICATION

TOWSON, MD., 10/26/91

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on 10/26/91.

THE JEFFERSONIAN,

S. Zate Olson
Publisher

\$70.76

NOTICE OF HEARING
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 115, Baltimore County Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:
Case Number: 92-108-X
4/8 Middle River Road, 60.77' S of Cloverdale Road
518 Middle River Road
15th Election District
5th Councilmanic
Legal Owner(s): Scott A. Sewell, U.S. Marshal
Contract Purchaser(s): Joseph F. Palamiano, Jr.
Hearing Date: Friday, Oct. 25, 1991 at 2:30 p.m.
Special Exception: for used car sales, i.e. outdoor sales area (operated from sales-agency building) with accessory car storage.
Zoning Commissioner of Baltimore County
September 25, 1991

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Date

92-108

Account: R 001 6150
Number

Please Make Checks Payable to Baltimore County \$90.76
BA 009740AM10-24-91

Cashier Validation

BALTIMORE COUNTY, MARYLAND
Inter-Office Correspondence

MEMO TO FILE

TO: Zoning Commissioner
Deputy Zoning Commissioner
FROM: John J. Sullivan, Jr.
Planner II
SUBJECT: Item # 77

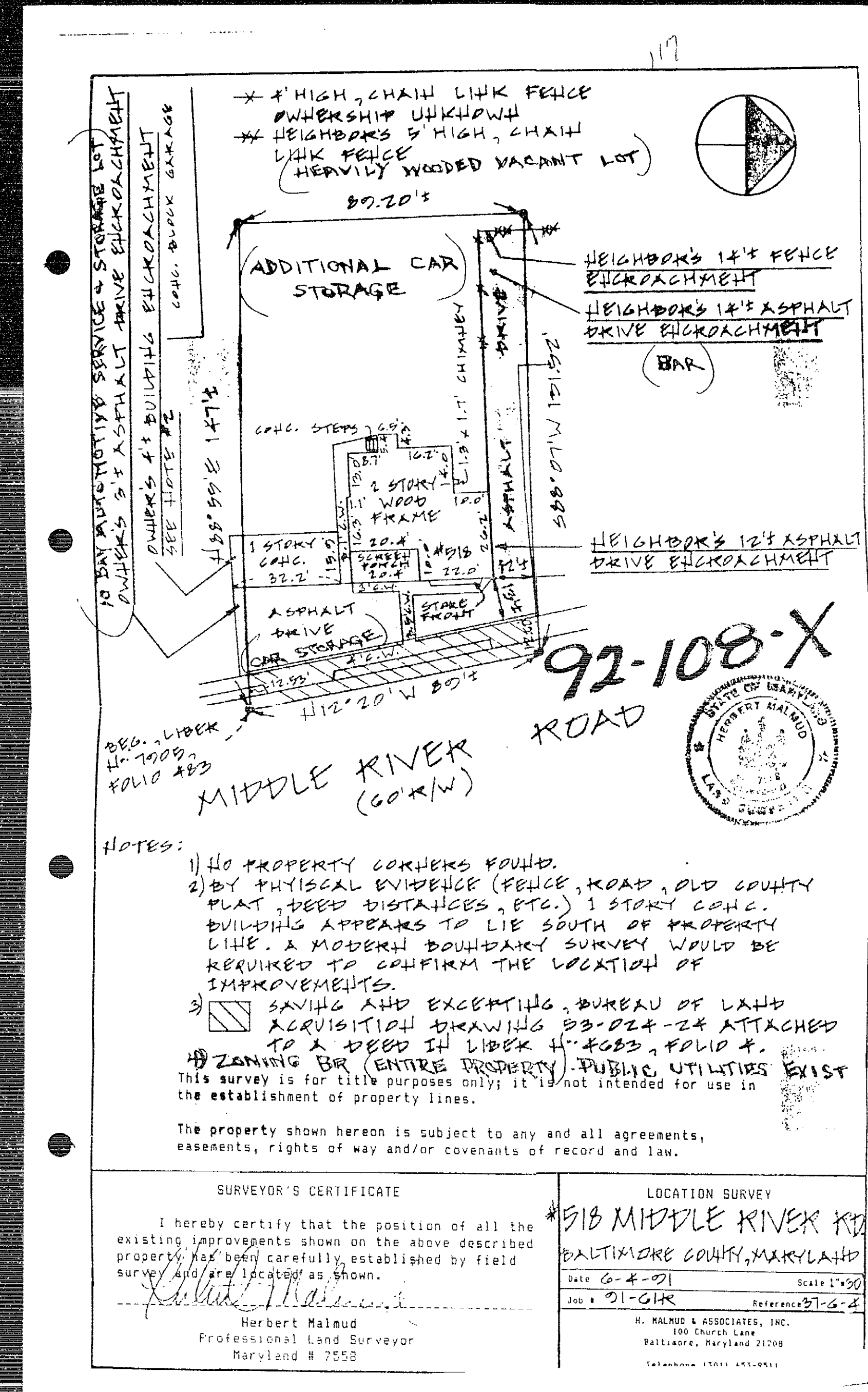
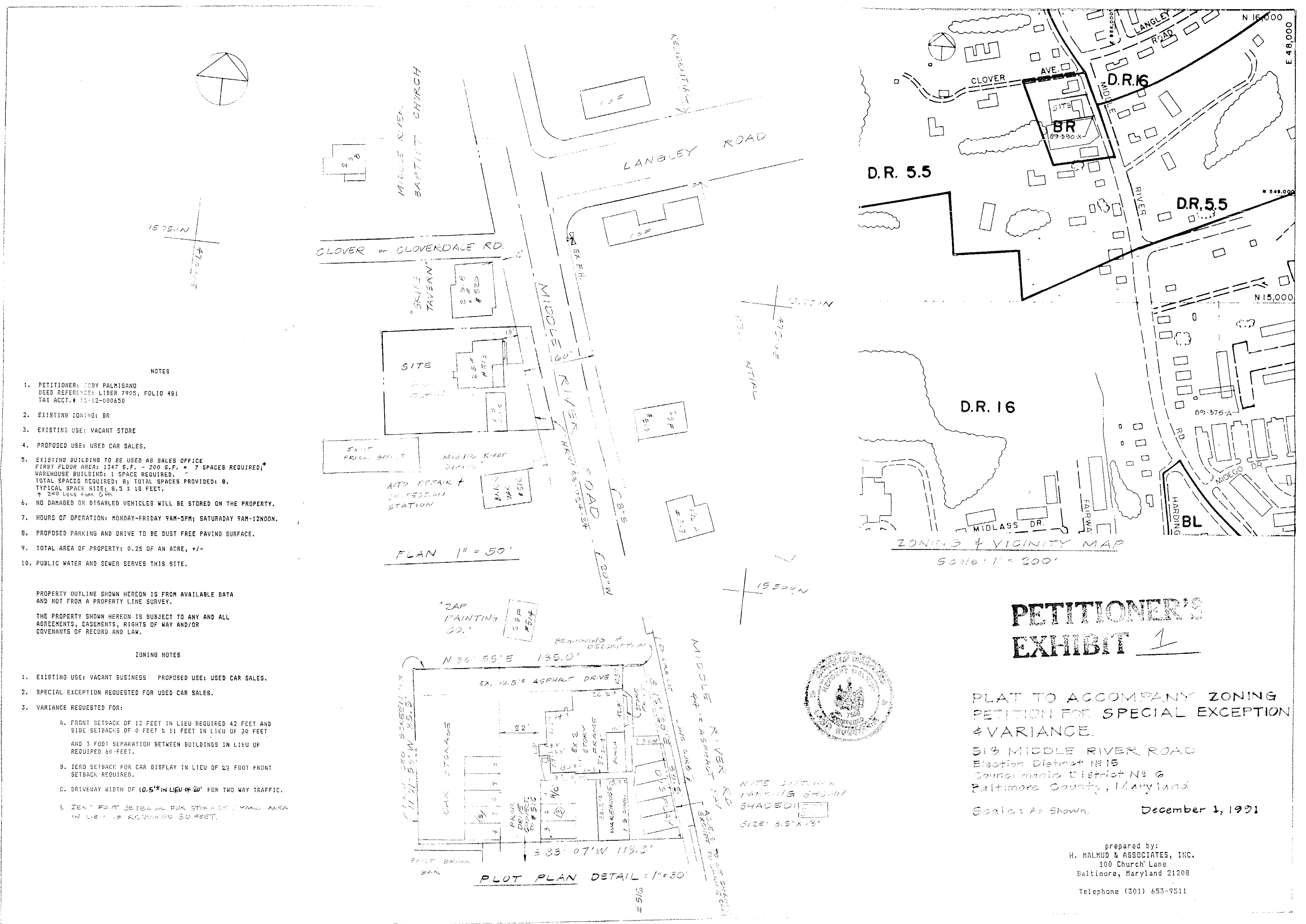
92-108-X

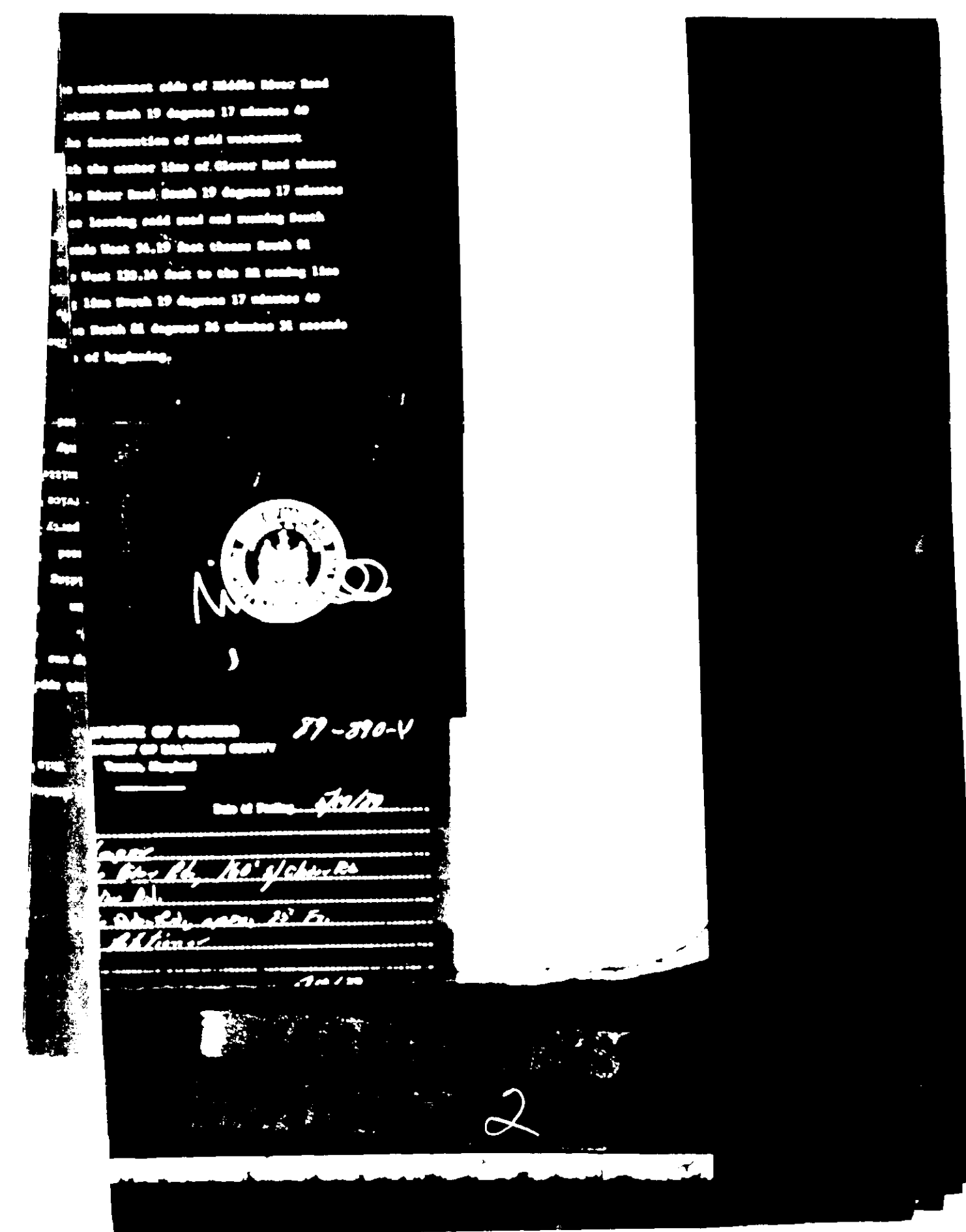
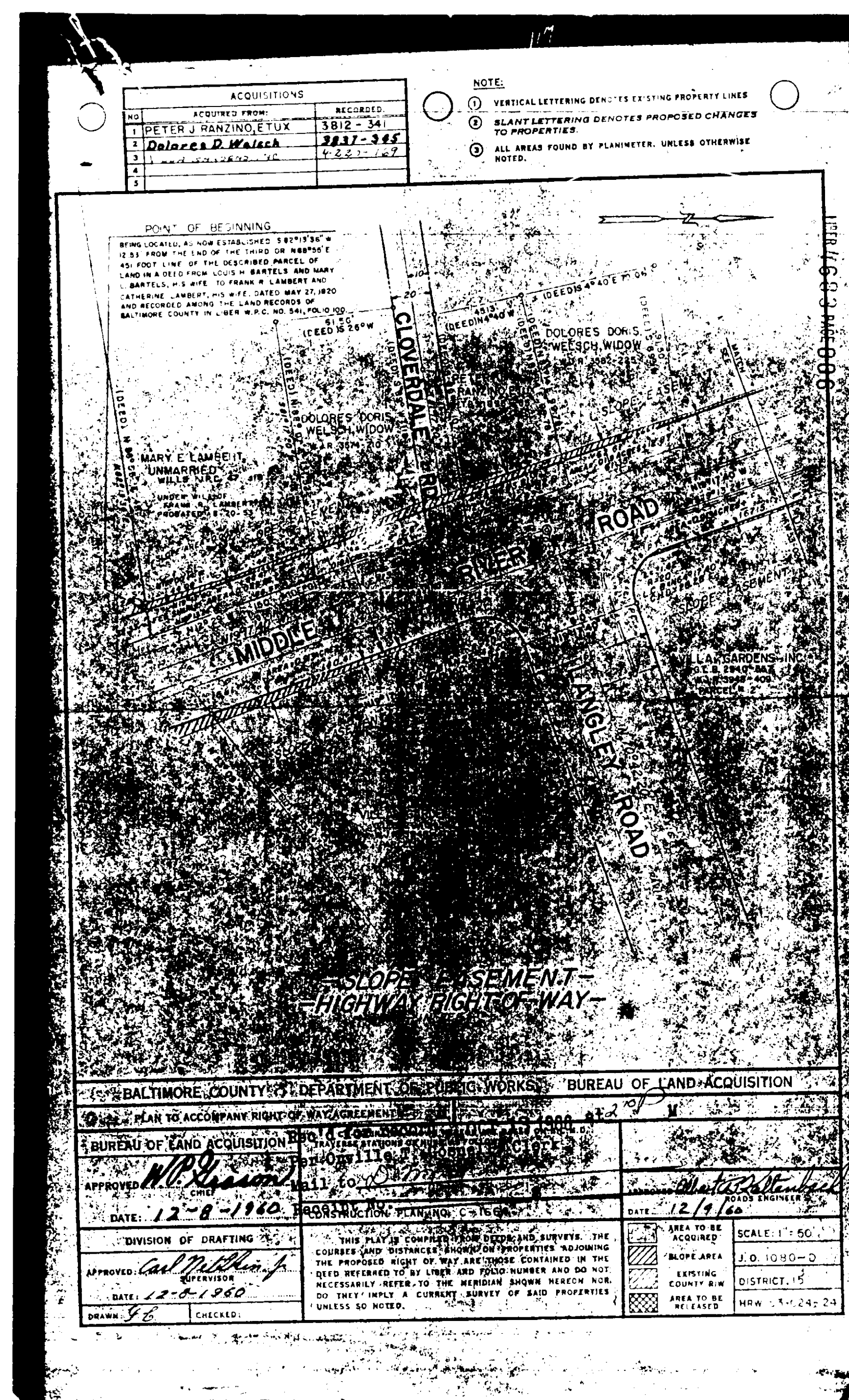
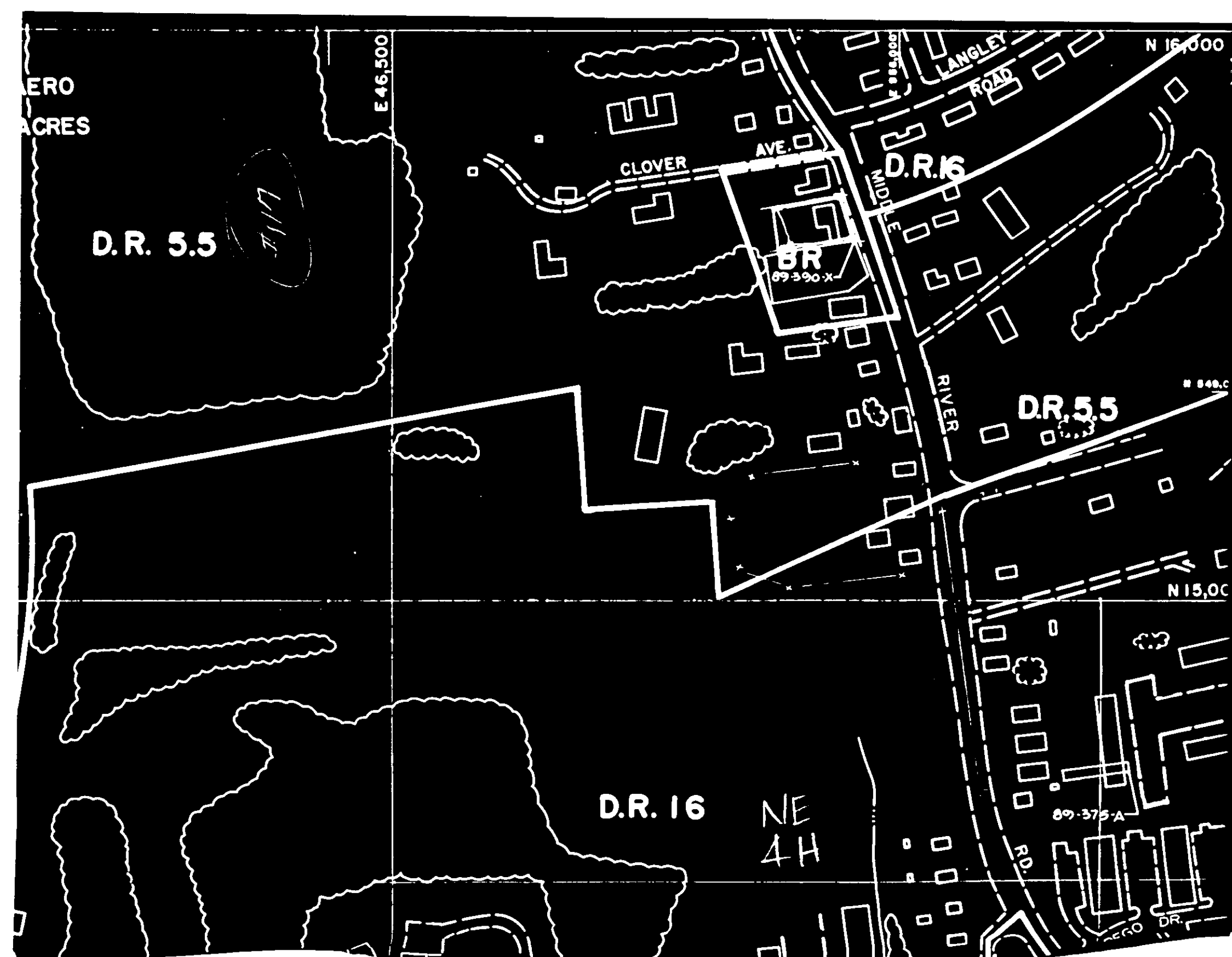
This petition for a special exception has been accepted per Arnold Jablon. I have informed Michael Gisriel, Esq., Attorney for the Petitioner, that the submitted site plans are missing much of the required information. The following item numbers on pages 6 and 7 of the sample booklet must be revised and/or added to the plans: No's. 1, 3, 4, 5, 6, 9, 11, 15, 18, 22 and 23 plus item Nos. 1, 3, 6 & 7 on Page 10. Additionally, the notes and bounds on the description do not agree with those on the submitted site plans.

Lastly, I informed Mr. Gisriel that a variance is required for the driveway width, and pending on the number of customer parking spaces and the area for these spaces, as well as setbacks to the street right-of-way for these spaces - variances may be required. The entire checklist is to be reviewed and any variances must be submitted as soon as possible.

Note: Mr. Gisriel's signature on original (hand-written) memo (attached).

RWB:s





MIDDLE RIVER AUTO SALES
518 Middle River Road
Baltimore, Maryland 21220
(410) 653-9933
FAX (410) 682-9932

TO: MR. ARNOLD ZABLON
ZONING COMMISSIONER
111 WEST CHESAPEAKE AVE.
TOWSON, MD. 21204

FROM: BRIAN E. HICKTON
MIDDLE RIVER AUTO SALES
518 MIDDLE RIVER ROAD
BALTIMORE, MD. 21220

RE: REF # 92-108-XA

DEAR MR. ZABLON,

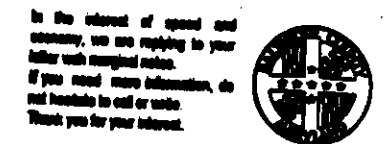
I OPERATE A USED CAR BUSINESS AT 518 MIDDLE RIVER ROAD. I RECENTLY PURCHASED A BLACK BEAM TYPE GARAGE-BARN (PICTURE #1). IT IS 14'x28'. I DID NOT REALIZE THAT I NEEDED A PERMIT TO HAVE THIS GARAGE, BUT I AM NOW APPLYING FOR ONE. WE WENT TO PRELIMINARY REVIEW AND THEY TABLED OUR REQUEST AND BUSINESSES. WE WROTE YOU TO MAKE SURE THIS REQUEST FOR PERMIT WAS IN THE SAME THEM AS THE SPECIAL EXCEPTION 92-108-XA THAT WAS GRANTED FOR 518 MIDDLE RIVER ROAD.

WE KEEP A NICE Tidy BUSINESS AND I AM SURE IF YOU CONSIDERED OUR NEIGHBORS THEY WOULD TELL YOU THAT THIS PROPERTY LOOKS GOOD BETTER SPACE THIS VARIANCE WAS GRANTED. THIS GARAGE IS OUT OF THE WAY, NICE LOOKING, AND IS A BIG HELP TO US FOR OUR BUSINESS.

THANK YOU,

BRIAN E. HICKTON
PRESIDENT

Speed
Letter



May 28, 1997

15th Election District

Dear Mr. Hickton:

Please be advised that when the zoning office makes an interpretation as whether a modification to a property approved by a zoning hearing is within the spirit and intent of that hearing, this office needs a red-lined site plan illustrating the proposed change or addition. This office has never received a plan; however, we can advise you that the signatures (approvals) of the adjacent property owners must be obtained prior to permit approval. Also, the shed must meet all applicable zoning regulations including the required principal building setbacks.

Very truly yours,

Mitchell J. Kellman
Planner II
Zoning Review

MLK:rye

C: zoning case 92-108-XA

H. MALMUD & ASSOCIATES, INC.
100 CHURCH LANE
BALTIMORE, MARYLAND 21208

TELEPHONE 410 653-9511
FAX 410 308-0284

February 18, 1998

Timothy M. Kotroco, Deputy
Zoning Commissioner for Baltimore County
Office of Planning
Suite 405, County Courts Building
Towson, Maryland 21204

Re: 518 Middle River Road
Case No. 92-108-XA

Dear Mr. Kotroco:

I am writing to you on behalf of the owner, Joseph F. Palmisano, Jr., who has been served with Violation Notice No. 100280 for an Accessory Structure Built Without Permit. The structure is a 13 foot by 28 foot pre-fab type one car garage located in the southwest corner of the property. A permit can not be issued until the setback requirement is clarified.

The Special Exception and Zoning Variance in Case No. 92-108-XA granted a variance for 6 setback for automobile storage in lieu of the required 30 feet in this area. The location of the structure as now situated is not visible from Middle River Road and is shielded from the view of the adjacent properties by the neighbor's existing brick garage and the trees and bushes in the rear.

After having spoken with the zoning inspector - and at his suggestion - I am writing to you to clarify whether the location of this structure falls within the spirit and intent of your decision. If so, a permit will be applied for immediately.

I am enclosing the Zoning Petition Plat with the red line location of the garage, along with a photo.

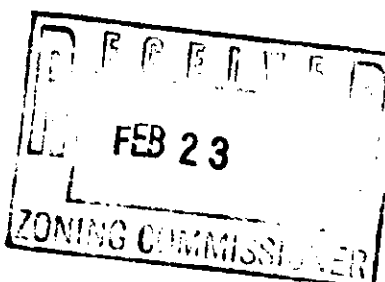
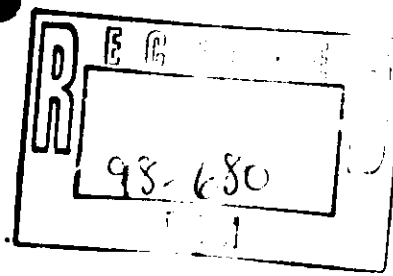
Please call me if you have any questions.

Thank you

Herbert Malmud

File:letKotroMidRiv

Tim: evidently this was delivered to Arnold's office.
Please let me with respect to your answer to
Mrs. Malmud. Thanks, Rick Wintrom

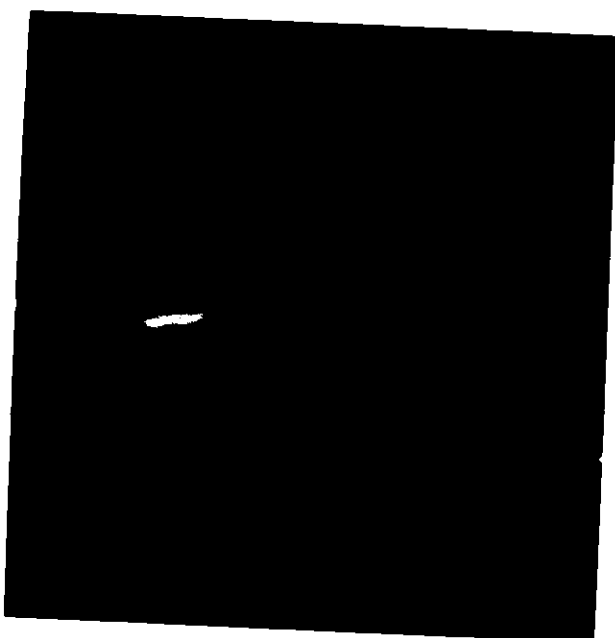


See,
I spoke to Mr. Malmud
+ the zoning inspector
+ told them that the
hearing was necessary
Jmk
4/2/98

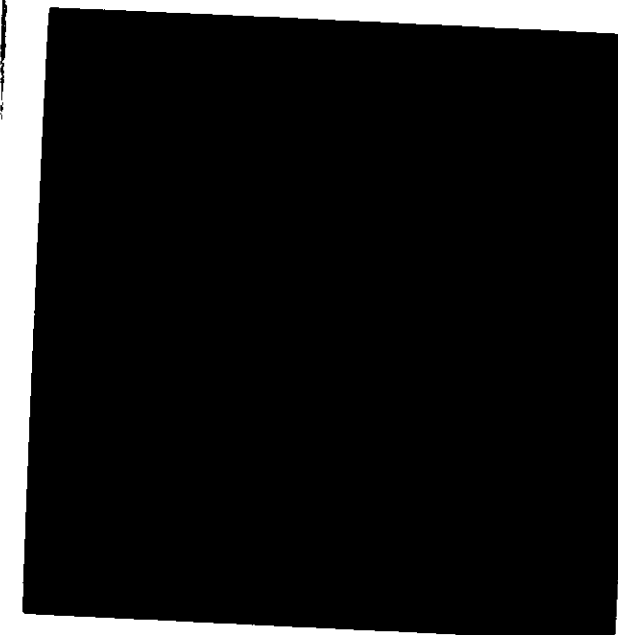
File
92-108-XA



ON OFFICE WITH
GARAGE IN BACKGROUND



#1



OFFICE